

**To:** 'Sonner, Scott'[ssonner@ap.org]  
**Cc:** Mari N. St. Martin[mstmartin@gov.nv.gov]; PerezSullivan, Margot[PerezSullivan.Margot@epa.gov]  
**From:** Jo Ann Kittrell  
**Sent:** Wed 9/6/2017 10:19:21 PM  
**Subject:** RE: AP query re anaconda mine FW: EPA Statement  
[GBRW-comment-anaconda-deferral-Aug-16-2017.pdf](#)

Hi Scott,

Here's a bit of background:

The Governor's March 2016 conditional concurrence for NPL Listing and the EPA's original December 2015 request for the Governor's concurrence both specifically indicated that should private funding become available, deferral of the Anaconda Mine Site would remain an available option.

Since that time, Atlantic Richfield Company (ARC) and NDEP have developed a plan to address the entire Site, wherein ARC will commit to funding what would have been the federal government cost contribution to remediation of the orphan share (Arimetco) portion of the Site. The plan would save taxpayer funds and provide greater certainty that funds will be available to close the Arimetco portion of the Site. ARC would implement the cleanup approved by EPA, BLM, and NDEP for the Arimetco portion of the Site under NDEP regulatory oversight. ARC would also complete all studies necessary and as required by NDEP to determine final remediation plans for the rest of the Site.

In February 2017, after reviewing the status of these developments, EPA made a decision to postpone listing the site on the NPL while NDEP, EPA, and BLM evaluated deferral of the Site.

Over the past several months, NDEP has negotiated agreements with ARC and has held several meetings to consider and address concerns and questions from the community, the Yerington Paiute Tribe and the Walker River Paiute Tribe regarding deferral.

On July 31, NDEP sent a formal request for EPA to defer the site from the NPL list and to state lead oversight. EPA and NDEP are currently discussing next steps and continuing to address concerns from the community and the Yerington Paiute Tribe and Walker River Paiute Tribe.

The comment from Great Basin Resource Watch that this whole effort began without their knowledge is not entirely accurate. Once EPA made the decision in February 2017 to postpone listing, NDEP invited Great Basin Resource Watch and the Yerington Community Group to participate in March and April planning meetings so that we could include their concerns in the initial plan draft, but both declined to participate. They wanted to wait until we had drafted a plan before providing input. Also, while Great Basin has indicated concerns, I do not believe they

have serious objections. To clarify, please check with Glenn Miller at UNR. He works with Great Basin. His number is 775-784-4108 and his email is [gcmiller@unr.edu](mailto:gcmiller@unr.edu). I've also attached a letter from him.

I know that Mr. McGinnis is a paid environmental consultant for the tribe, but I have not seen the lawsuit. I believe he alleges contamination has reached tribal lands, but NDEP and USEPA have not reached that conclusion based on available data – perhaps that's where he speculates "hundreds of millions of dollars." Regardless, part of the agreement process for the state based solution is to insure that the State will not be taking on additional liabilities.

While private funding and a state based solution would save the state and federal government money, a primary motivation for deferral is that it provides more certainty of funding and more certainty of getting the site cleaned up in the next 5-10 years.

Please let me know if you have any other questions.

Thanks,

JoAnn

JoAnn Kittrell

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**From:** Sonner, Scott [mailto:ssonner@ap.org]  
**Sent:** Wednesday, September 06, 2017 1:37 PM  
**To:** Jo Ann Kittrell  
**Cc:** Mari N. St. Martin; Sonner, Scott; PerezSullivan, Margot  
**Subject:** AP query re anaconda mine FW: EPA Statement

Hello Jo Ann,

Hope you are doing well. I sent EPA's Margot Perez-Sullivan a query this morning about status of this.

And I've included below some comments Gov. Sandoval made to reporters back on April 28 following a meeting with EPA Admin Pruitt in D.C.

Has the state had anything to say on this beyond what he said then, and the letter was sent on July 31?

Among other things, the letter said:

``NDEP believes that it has adequately addressed all significant and valid concerns raised by community with respect to deferral,`` NDEP Administrator Greg Lovato wrote in the July 31 request to Enrique Manzanilla, director of EPA's regional Superfund Division in San Francisco.

However, Great Basin Mine Watch says this whole effort began without their knowledge and that they have serious objections. And the Yerington Paiute Tribe has now filed a lawsuit against Atlantic Richfield. Tribal consultant Dietrick McGinnis says it's possible the state could save a few million dollars up front, but he maintains it could ultimately be left holding the bag for HUNDREDS of millions of dollars in cleanup costs \_costs that otherwise would be covered by EPA (with exception of 10 percent, I believe). I'm waiting on final filed copy of that suit and will forward when I get it.

So.... interested in any comment you might be able to offer. Specifically, can you tell me the overriding reason that the state thinks the deferral is the best way to go? And does the state's estimate of how the costs would break down under this scenario differ from the critics? Would the state save money, or is there another motivation?

I may be writing a story as soon as tomorrow. Thank you!

Scott

**From:** PerezSullivan, Margot [<mailto:PerezSullivan.Margot@epa.gov>]  
**Sent:** Friday, August 11, 2017 8:16 AM  
**To:** Sonner, Scott  
**Subject:** EPA Statement

On July 31, the EPA received a letter from the Nevada Division of Environmental Protection. The letter requested EPA defer National Priorities List determination, while NDEP oversees the cleanup of the Anaconda Mine Site. The EPA is currently evaluating NDEP's request. The Anaconda Mine Site would remain on the EPA's list of proposed National Priorities List sites. The EPA is committed to continuing to work with NDEP, the Yerington Paiute Tribe, the Walker River Paiute Tribe, the local community, the Bureau of Land Management and the Atlantic Richfield Company to clean up the Anaconda Mine site.

For copies of documents you requested, please contact Jo Ann Kittrell at NDEP  
([jkittrell@dcnr.nv.gov](mailto:jkittrell@dcnr.nv.gov))

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**From:** Sonner, Scott  
**Sent:** Monday, May 01, 2017 1:01 PM  
**To:** Sonner, Scott  
**Subject:** AP query re Anconda mine Superfund

Hello Margot,

I wanted to check in on the status

[perezsullivan.margot@epamail.epa.gov](mailto:perezsullivan.margot@epamail.epa.gov)

Gov. Brian Sandoval comments to reporters on Friday April 28

EPA-Pruitt

Anaconda mine

Next topic of conversation with the administrator was the Anaconda Mine in Yerington. As you all know that mine has been a subject - it has been closed for decades and there have been environmental issues associated with that with the EPA we had been in conversations because there never really was enough private capital that was raised to allow for the cleanup of that mine so there was discussion of it becoming a superfund site, which would allow for federal funds to come in and to be able to clean up the site. My reluctance with regard to having it be declared a superfund site is, this is at least two-fold, one of which is obviously that's devastating to Yerington and to the agricultural community there to be declared a superfund site because of the negative connotations that come with that. The second layer of that is that several sites in the United States have been declared superfund sites, yet the money hasn't come to clean them, and so you get to that the declaration of that scarlet letter of being declared a superfund site and then it just sits there for decades. But. So now our understanding is there is great opportunity and potential for a private funder, BP I believe it is, to come in and be able to fund the cleanup and have it overseen by the Nevada Department of Environmental Protection, which would allow us to avoid a superfund designation. And that was my second part of the discussion with the administrator (Pruitt). We believe and are confident that we can get that private funder to come in and begin that cleanup, which will allow it to be cleaned up and less expensively and sooner. (What's in it for the funder?) Because they have a vested in that mine - they own it. (So they're on the hook?) Yes. Yes. So it's a win-win. And particularly for the agricultural community out there, and I think it's in your paper today, Geoff (I've been at the DMV all day don't blame me) OK, one of the world's largest organic onion farms is out there in Yerington. They have a massive organic farm someplace out there and they are around one of the Anaconda Mine site so they (so governor, just remind me, we had a press briefing with Leo a couple months ago about Anaconda, was it something where we got more time to bring the private parties together?) Well we always encouraged the private parties to come together. The understanding with the EPA and that process was this: is that they were going to come in and they were going to fund it right away they're going to get it cleaned up a lot sooner, so with the change in administration, you know, it creates some certainty in that regard. In the meantime, the private funder, BP, has stepped forward and is willing to come with that funding to do the cleanup and now it's a matter of putting that to paper and formalizing that and getting it done. Once a superfund designation is made, it's hard to walk that back. So it's really important to get everyone at the table - the EPA, the private funders, and the state - together because the best outcome here is for the Nevada Department of Environmental Protection to oversee the cleanup of that site, to have the private money come in and to get that done... Obviously the community, Lyon County and everyone can move forward because it's been sitting out there for decades the way it is now."

**Scott Sonner**

**The Associated Press**

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